

## **MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF WARRENTON HELD ON FEBRUARY 10, 2004**

The regular meeting of the Council of the Town of Warrenton was held on February 10, 2004 in the Town Council Chambers.

Councilmembers present: George B. Fitch, Mayor, presiding; Robert W. Rice, Vice Mayor, Councilmen David A. Norden, Birge S. Watkins, Stephen L. Athey, Robert L. Walker, Samuel B. Tarr and John S. Lewis.

Also present: Kenneth L. McLawhon, Town Manager, Whitson Robinson, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The Mayor called the meeting to order and invocation was given by Councilman Robert L. Walker.

### **CITIZENS TIME.**

#### **Ms. Eva Dalton.**

Ms. Dalton, 356 Richards Drive, came forward to note her concern regarding speeding on major Town routes. She requested meter maids be used to check speeds on Winchester Street, Waterloo Street and other streets in Town. She urged the Town to address the problem better. Mayor Fitch noted that Police Chief Roger Paul was taking notes and the Town would address her concern.

#### **Mr. Larry Kovalik.**

Mr. Kovalik, resident of 39 Brookshire Drive, expressed concern about the addition of 75,000 square feet of grocery space to the Wal-Mart store located near his residence.

### **PUBLIC HEARING.**

Ordinance No. 2004-01, An Ordinance Amending and Correcting Ordinance No. 2002-02, Which Established Voting Wards and Polling Places for the Town of Warrenton, and Amending and Readopting Article II, Elections, of the Town Code of the Town of Warrenton.

The Mayor opened the public hearing at 7:07 p.m.

The Town Attorney summarized that the ordinance revised the voting wards map to agree with the description, which required moving some properties shown on the map as Ward Two to Ward One. He stated some minor clerical changes had been made. He indicated the next step would be submitting the matter to the Department of Justice and expediting it due to the upcoming elections.

The Mayor noted that he would take questions from the floor.

**Mr. John Albertella.**

Mr. Albertella asked if the Justice Department did not rule prior to the election, would the election be delayed. The Town Attorney responded that that contingency was being planned for and legislation had been reviewed and officials in Richmond had been contacted in case a delay was necessary. He further indicated that there was a decennial stipulation whereby there could be a statutory delay but the electoral board would have to be contacted to determine if that is something the Town would fall under.

Mr. Rice asked what the population imbalance that would require looking at increasing a ward. Mr. Robinson noted that the population would have to be plus or minus five percent using the census numbers. Mr. Rice asked if there was an imbalance now. The Manager stated that the 2002 Town administration more than equalized the wards in terms of the demographics and minority population and the text did memorialize that fact.

The Mayor called for citizens to speak for the ordinance. There being no citizens wishing to speak for the ordinance, the Mayor called for citizens to speak against the ordinance. There were no citizens wishing to speak for the ordinance. The Mayor closed the public hearing at 7:10 p.m.

On a motion by Mr. Walker, seconded by Mr. Watkins, Ordinance No. 2004-01, An Ordinance Amending and Correcting Ordinance No. 2002-02, Which Established Voting Wards and Polling Places for the Town of Warrenton, and Amending and Readopting Article II, Elections, of the Town Code of the Town of Warrenton was adopted on a vote of 7-0 (Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

**CONSENT AGENDA.**

- a. Approval of the Council minutes of the regular meeting held on January 13, 2004.
- b. Financial statement and staff reports and Board and Commission minutes.
  - (1) Financial statement for period ending January 31, 2004.
  - (2) January statement of accounts paid.
  - (3) Miscellaneous staff reports.
- c. Bond Release/Bond Reduction.
  - **Bond Release – Carriage House Square:** Request by Carriage Lane, LLC for release of the Maintenance Bond (No. 5449579) held by the Town to secure completed facilities of Site Development Plan #00-13. The bond was established at \$19,000.00 or 15% of the original Letter of Credit (\$130,000). The project has been inspected by Staff and found

to be in good condition, having been completed for a year since the establishment of the bond.

- **Bond Release – Jim Harris Vehicle Storage Lot:** Request by R. L. Rider & Co. for release of the Letter of Credit (No. 0100530-01) held by the Town for completion of Site Development Plan #02-07. The bond was established at \$46,000.00 and is requested to be released based on the completion of improvements and their maintenance for more than one year. The project has been inspected by Staff and found to be generally consistent with the request.
  - **Bond Release – Horner Street Parking:** Request by Horner Street Associates, Inc. for release of the Maintenance Bond (No. 953130058800003) held by the Town to secure completed facilities of Site Development Plan #01-12. The bond was established at \$3,116.91 or 15% of the original Letter of Credit (\$20,779.40). The project has been inspected by Staff and found to be in good condition, having been maintained for more than one year.
  - **Bond Release – Safeway Renovation:** Request by Jefferson Associates, LC for release of the Maintenance Bond (No. LC874-131976) held by the Town to secure completed facilities of Site Development Plan #01-10. The bond was established at \$11,771.32 or 15% of the original Letter of Credit (\$78,475.44). The project has been inspected by Staff and found to be in good condition, having been maintained for more than one year.
  - **Bond Reduction – Carriage House Chase, Phase I, Section 3:** Request by Piedmont Investment, LC/Miller Brothers, Inc. for reduction of the Public Improvements Bond (No. 53S103499231) held by the Town for completion of Site Development Plan #00-09. The bond was established at \$303,107.12 and is requested to be reduced to \$45,466.00 or 15% of the original amount. The project has been inspected by Staff and found to be generally consistent with the requested reduction. This is the Maintenance Bond and the final reduction allowed.
- d. Consideration of a Resolution Indicating the Continuing Commitment of the Town Council of the Town Of Warrenton Regarding the Preservation of Warrenton's Heritage and Its Historical Assets.
- e. Consideration of request to close streets for St. Patrick's Day 5K Run.

On a motion by Mr. Walker, seconded by Mr. Athey, the consent agenda was approved on a 7-0 vote of Council (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

## **NEW BUSINESS.**

Consideration of Resolution of Intent to Enter Into An Agreement With the County to Adjust the Boundary Line Between the Town and the County.

Mayor Fitch stated that the resolution expressed Council's intent to move forward with boundary adjustment based on several conditions. The Town Attorney noted that the resolution had been changed following the Council worksession to include the intent to boundary adjust the one plus acre known as the "donut" or "island" located on Alwington Drive, East Shirley Avenue and at the Wal-Mart southern boundary.

The following resolution was presented for consideration:

## **RESOLUTION**

### **A RESOLUTION OF INTENT TO ENTER INTO AN AGREEMENT WITH THE COUNTY TO ADJUST THE BOUNDARY LINE BETWEEN THE TOWN AND THE COUNTY**

WHEREAS, Home Depot, USA, Inc. has proposed to construct a Home Depot on a portion of parcel number 6983-46-3320 of approximately 17 acres located in Fauquier County and adjacent to the boundary between the Town of Warrenton and the County; and

WHEREAS, the Town of Warrenton through its Town-County Liaison Committee and Utility Committee have both preliminarily and affirmatively agreed to consider an adjustment of the proposed site into the Town of Warrenton in order to permit the site to be served by Town water and sewer; and

WHEREAS, both governing bodies acknowledge that the public interest would be better served by the provision of Town water and sewer to the proposed Home Depot site; and

WHEREAS, Fauquier County Board of Supervisors on the 20<sup>th</sup> day of January 2004, requested the Town of Warrenton enter into a boundary adjustment arrangement with the County in order to adjust the Home Depot site into the Town of Warrenton upon the completion of the site plan currently being reviewed by the County; and

WHEREAS, there would remain a certain "parcel" (containing one to two acres) located between Alwington Road, East Shirley Avenue and Walmart's southerly boundary, that would also need to be included within the boundary adjustment with certain conditions set forth prior to its inclusion;

THEREFORE, BE IT RESOLVED, that the Town Manager and the Town Attorney be authorized to develop such documents and tentatively schedule such joint public hearings as are necessary to begin to accomplish the proposed boundary line adjustment, predicated upon the provision, and acceptance of certain traffic, lighting, miscellaneous proffers, certain restrictions and conditions placed upon the "parcel" noted above and the mutual written concurrence of the Warrenton Town Council and the Fauquier County Board of Supervisors that all site plans and architectural plans or elevations have met with their mutual approval.

On a motion by Mr. Tarr, seconded by Mr. Lewis, Council voted 7-0 to adopt the motion (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

## **REPORTS AND COMMUNICATIONS.**

### Report from Town Attorney.

The Town Attorney noted that there was no report.

### Report from the Finance Committee.

Mr. Watkins, Chairman, stated there was no report.

### Report from the Police Committee.

Mr. Athey, Chairman, stated there was no report.

### Report from the Public Works Committee.

Mr. Rice, Chairman, noted that there was no report.

### Report from the Utility Committee.

The Chairman, Mr. Norden, stated that there was no report.

### Report from the Airport Committee.

Mr. Lewis reported that there was no report.

### Report from the Planning District 9 Representative.

There was no report.

### Report from the Transportation Safety Commission.

Mr. Watkins indicated that there were a number of transportation safety grants that were due to the State March 31 that the Police and Fire Department would be applying for.

### Report from the Economic Development Advisory Committee representative.

Mr. Lewis stated there was no report.

### Report from the Recreation Committee.

The Chairman noted that it was hoped there would be something firm to present at the March Council meeting to be included in the Capital Improvement Program.

### Report from Joint Communications Board representative.

There was no report.

Report from Liaison Committee representative.

There was no report.

Report from the Town Manager.

The Manager stated he would be distributing additional information regarding the Circuit Rider bus in the near future.

### **COUNCILMEMBERS TIME.**

The Mayor noted a publication from University of Virginia concerning tax rates showed that Warrenton out of 165 cities, counties and towns had the lowest real estate rate and third lowest business tax rate. He felt that Council should be commended for their hard work in accomplishing that objective.

Mr. Athey stated that not only had the expenses been kept in check with no decrease in services, but that the Town had increased the undesignated fund balance to over 12 million. He further stated that in addition to thanking the Council, the Town Manager should be commended for keeping the expense line in check even though revenues are going up.

The Mayor noted that the Town debt had also been wiped out. Mr. Watkins pointed out that decals were also lower than in the past.

There being no further business, the meeting adjourned at 7:20 p.m.

Evelyn J. Weimer, Town Recorder